

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THOMAS CLAY,

Plaintiff,

-against-

15 Civ. 1075 (BMC)(LB)

WARDEN; ADS LAPORTA; C.O. BIRD;
C.O. RAY; C.O. TORES; C.O. WALKER;
C.O. SMITH; C.O. BELL; C.O. LEWIS
WOMAN; C.O. NRELY; CORCRAFT BO
24682GP MFC M382020; EASTERN
CORRECTIONAL FACILITY, NAPANOCH
NY 12458; DOC; C.O. LEMEL; C.O. JOHN
DOE,

Defendants.

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TRANSFER ORDER

THOMAS CLAY.

Plaintiff,

-against-

SING SING WARDEN LAPORTE;
C.O. TORES; C.O. REYO HOLO;
JOHN DOE; C.O. WALKER;
C.O. BIRD; C.O. LEWIS B. BLOCK;
C.O. RIED; C.O. MOELING;
CORCRAFT BO24682 GPMFG M382020,
EASTERN CORRECTIONS FACILITY,

15 Civ. 1076 (BMC)(LB)

Defendants.

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Plaintiff, who is presently incarcerated at Sing Sing Correctional Facility (“Sing Sing”), located in Ossining, New York, filed the instant *pro se* complaints pursuant to 42 U.S.C. § 1983. The two actions are hereby consolidated solely for the purpose of the instant Order. Although the Court notes that plaintiff’s complaints are far from models of clarity, the gravamen of his

complaints concern allegations of “torture” by correction officers at Sing Sing, in violation of plaintiff’s constitutional rights. Plaintiff seeks an immediate transfer and monetary damages.

Without offering any opinion on the merits of plaintiff’s claims, the instant complaints are hereby transferred to the United States District Court for the Southern District of New York for the following reason:

Under 28 U.S.C. § 1391, a civil action may be brought in:

(1) a judicial district in which any defendants resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b). Because a substantial part of the events or omissions giving rise to the claims occurred at Sing Sing, which is located in Ossining, New York, in Westchester County, the Clerk is hereby directed to transfer these two actions to the United States District Court for the Southern District of New York. See 28 U.S.C. §§ 1391(b); 1406(a).

No summons shall issue from this Court. The Court notes that in both actions, plaintiff failed to file an application to proceed *in forma pauperis* and Prison Litigation Reform Act authorization form. That provision of Rule 83.1 of the Local Rules of the Eastern District of New York which requires a seven day delay is waived.

SO ORDERED.

U.S.D.J.

Dated: Brooklyn, New York
March 4, 2015